



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William P. Miller, Esquire
Roberson, Haworth & Reese P.L.L.C.
High Point Bank & Trust Building
300 North Main Street, Suite 300
P.O. Box 1550
High Point, NC 27261

FEB - 8 2007

RE: MUR 5681
High Point Regional Association of Realtors

Dear Mr. Miller:

On January 8, 2007, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441b(b)(3)(B)-(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 114.5(a)(3)-(4). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Dominique Dillenseger".

Dominique Dillenseger
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5681
High Point Regional Association of Realtors)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Michael D. Pugh. The Federal Election Commission ("Commission") found reason to believe that the High Point Regional Association of Realtors ("HPRAR" or "Respondent" violated 2 U.S.C. § 441b(b)(3) and 11 C.F.R. § 114.5(a)).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. HPRAR is a local association of realtors affiliated with the National Association of Realtors ("NAR"). As a local affiliate of NAR, HPRAR regularly solicits its members for contributions to NAR's separate segregated fund, the National Association of Realtors Political Action Committee ("RPAC").

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2. In August 2005, HPRAR listed the name of each individual realtor member who had not contributed to RPAC on two pages of its eight-page monthly newsletter. The names of the non-contributing individuals were listed under the name of their company, and the percentage of contributing members from each company appeared next to the company's name. Companies that had a 100% contribution rate from its individual members were listed at the very top of the two-page list under the heading "2005 100% RPAC Companies." No individual names of members who had already made contributions to RPAC were listed anywhere in the two-page spread. At the bottom of the second page there is a logo of RPAC with the question: "Have you made your contribution?" (Emphasis in original.)

3. The newsletter also contained an article summarizing new state legislation "that makes significant improvements to the State's real estate licensing law." The end of the article stated, "These bills are representative of your RPAC dollars at work to improve our industry standards and working environment as well as to further protect our customers and clients, the real estate consumer. Have you given your RPAC fair share? The article then gave a "special RPAC thanks" to an individual realtor member for her generous monetary support of RPAC.

4. HPRAR also displayed the names of non-contributing members on an overhead projection screen at the association's monthly meetings and at the association's 2005 Annual Meeting, held on September 21, 2005, where checks were being presented to local candidates.

5. It is unlawful for a solicitation for contributions, whether written or oral, to fail to inform the employee or member being solicited at the time of the solicitation of the political purposes of the separate segregated fund and of his or her right to refuse to so contribute without any reprisal. 2 U.S.C. § 441b(b)(3)(B)-(C); 11 C.F.R. § 114.5(a)(3)-(4).

6. The solicitation in this matter lacked proper notice of the political purposes of RPAC and the member's right to refuse to contribute without reprisal, as required by 2 U.S.C. § 441b(b)(3)(B)-(C) and 11 C.F.R. § 114.5(a)(3)-(4).

V. Respondent improperly solicited contributions to a separate segregated fund by failing to inform members being solicited at the time of solicitation of the political purposes of the RPAC fund and of the members' right to refuse to contribute without reprisal, in violation of 2 U.S.C. § 441b(b)(3)(B)-(C) and 11 C.F.R. § 114.5(a)(3)-(4). Respondent contends that the violation was inadvertent.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand Five Hundred Dollars (\$4,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent will cease and desist from violating 2 U.S.C. § 441b(b)(3)(B)-(C) and 11 C.F.R. § 114.5(a)(3)-(4) by providing proper notice of the political purposes of the separate segregated fund for which contributions are being solicited, and the member's right to refuse to contribute to such fund without any reprisal, in any and all solicitations for contributions, whether written or oral, at the time such solicitation is made.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

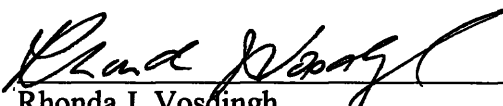
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X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

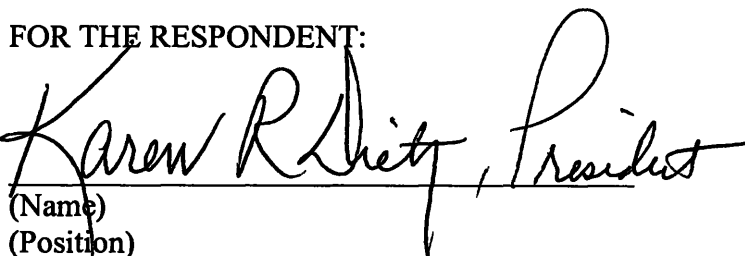
FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY: 
Rhonda J. Vosdigh
Associate General Counsel
for Enforcement

2/5/07
Date

FOR THE RESPONDENT:


(Name)
(Position)

12-20-06
Date

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